

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**PATTY BEALL, MATTHEW  
MAXWELL, TALINA MCELHANY,  
KELLY HAMPTON, CASEY BROWN,  
JASON BONNER, KEVIN TULLOS,  
ANTHONY DODD, ILENE MEYERS,  
TOM O'HAYER, JOY BIBLES, DON  
LOCCHI AND MELISSA PASTOR,  
individually and on behalf of all other  
similarly situated;**

**Plaintiffs,**

**TYLER TECHNOLOGIES, INC. AND  
EDP ENTERPRISES, INC.  
Defendants.**

**THE UNIVERSITY OF CHICAGO**

**2:08-cv-422 TJW**

### UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT

In accordance with Local Rule CV-7(l), Defendants respectfully file this Unopposed Motion for Leave to Exceed Page Limit and state as follows:

1. Defendants file this instant motion seeking relief to exceed page limitations for its Motion to Decertify Class that Defendant is filing contemporaneously herewith. Local Rule CV-7(a)(1) provides that dispositive motions should be limited to thirty (30) pages. The Local Rules of the Eastern District of Texas, however, do not list the specific categories of motions that are deemed to be dispositive. Therefore, Defendants assert that a motion to decertify a collective action is a dispositive motion and is subject the page limitations set forth in Local Rule CV-7(a)(1).

2. According to Black’s Law Dictionary 505 (8th ed. 2004), “dispositive” is defined as “bringing about a final determination.” An order granting Defendant’s motion to decertify

would result in the dismissal of the opt-in Plaintiffs; therefore, a motion for certification qualifies as a “dispositive motion.” At least one federal district court, U.S. District Courts for the Eastern District of Michigan Local Rule 7.1(e)(1)(A), categorizes a motion to decertify a class as a “dispositive motion.” Defendants have tailored their Motion to Decertify Class to remain within thirty (30) pages in order to comply with Local Rule CV-7(a)(1). In fact, Defendants Motion to Decertify Class is less than 30 pages.

3. However, should Defendants be mistaken in their belief that a motion to decertify is a “dispositive motion,” Defendants respectfully request leave to exceed the fifteen-page limitation mandated by Local Rule CV-7(a)(2). Defendants have good cause requesting leave to exceed fifteen (15) pages. There are thirty-four remaining Plaintiffs in this action, and most worked at different offices and geographic locations during varying time periods. An analysis of how these thirty-four Plaintiffs are not “similarly situated” with respect to their job duties and employment setting cannot reasonably be restricted to fifteen (15) pages, specially when the brief contains deposition testimony of most of the Plaintiffs.

4. Defendants believe that they have properly considered their Motion to Decertify as being a “dispositive motion” and that they have correctly tailored their motion to meet the thirty (30) page limitation in Local Rule CV-7(a)(1). If the Court, however, finds that Defendants’ Motion to Decertify does not constitute a “dispositive motion,” Defendants respectfully request this Court to grant leave for Defendants to exceed fifteen pages.

Respectfully submitted,

/s/ Paulo B. McKeeby

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EDP ENTERPRISES, INC.

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Defendants conferred with counsel for Plaintiffs on September 14, 2010, regarding the contents of this Motion. Plaintiffs are unopposed.

/s/Farin Khosravi

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing has been served via electronic mail on this 24th day of September, 2010, as follows:

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/s/Paulo B. McKeeby

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